

The Orissa Gazette

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No. 18 CUTTACK, SATURDAY, JANUARY 5, 2008/PAUSA 15, 1929

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 11th December 2007

No. 13304—li/1(B)-130/1999-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 3rd October 2007 in Industrial Disputes Case No. 21 of 2000 of the Presiding Officer, Labour Court, Bhubaneswar to whom the Industrial Disputes between the Management of the Channel Sales Executive, M/s Reliance Telecom Ltd., Puri Branch, Puri/Circle Head, Orissa Circle, M/s Reliance Telecom Ltd., Kharvelnagar, Bhubaneswar and its Workman Shri Sujit Kumar Nayak was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 21 of 2000

Dated the 3rd October 2007

Present :

Shri S. K. Mohapatra, O.S.J.S. (Jr. Branch)
Presiding Officer, Labour Court
Bhubaneswar.

Between :

| | |
|---|--------------------------------|
| The Channel Sales Executive, M/s Reliance Telecom Ltd., Puri Branch, Puri, Circle Head, Orissa Circle, M/s Reliance Telecom Ltd., 2nd Floor, Keshari Complex, 98, Kharavelnagar, Bhubaneswar. | .. First Party—Management |
|---|--------------------------------|

And

| | |
|--|------------------------------|
| Shri Sujit Kumar Nayak, S/o Shri Susil Kumar Nayak, At Khatua Sahi (Dolmandap Sahi) At/P.O./Dist. Puri. | .. Second Party—Workman |
|--|------------------------------|

Appearances :

For the First Party—Management . . Shri Abakash Mohapatra

For the Second Party—Workman himself . . Shri Sujit Kumar Nayak

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12, read with clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. 132—li/1-(B)-99/1998-L. E., dated the 4th February 2000.

“ Whether the termination of services of Shri Sujit Kumar Nayak, Debt Collector-cum-Accountant with effect from the 4th September 1998 by way of refusal of employment by the management of M/s Reliance Telecom Ltd., Puri Branch, Puri is legal and/or justified ? If not, what relief Shri Nayak is entitled to ?”

2. The workman and the representative of the management are present. The case is posted today for hearing of the petition dated the 24th April 2007 of the management.

At this stage, both the parties filed a memorandum of settlement drawn up in Form ‘K’ along with seven copies and prayed to pass an award in terms thereof. The terms of settlement are read over and explained to both the parties and they admitted the same to be true and correct.

In view of the compromise, the workman admitted to have received a lump sum amount of Rs. 1,00,000.00 (Rupees one lakh) only from the management vide 4 numbers of Demand Draft detailed in Form ‘K’ towards full and final settlement and accordingly he endorsed his signature in the order sheet. The settlement being fair, is recorded. An award is passed accordingly and the terms of the settlement in Form-K is form part of the Award.

Dictated and corrected by me.

S. K. MOHAPATRA
3-10-2007
Presiding Officer
Labour Court, Bhubaneswar

S. K. MOHAPATRA
3-10-2007
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor
P. MALLICK
Under-Secretary to Government

FORM 'K'

(See Rule 64)

IN THE MATTER OF :

M/s Reliance Telecom Ltd., Bhubaneswar and others . . . First Party

Versus

Sujit Kumar Nayak . . . Second Party

Made part of the Award

S. K. MOHAPATRA

3-10-2007

Presiding Officer, Labour Court
BhubaneswarMEMORANDUM OF SETTLEMENT OF INDUSTRIAL DISPUTE BETWEEN
THE 1ST PARTY AND THE 2ND PARTY

1. That the Industrial dispute arising out of refusal of employment by the management of first party to the workman second party with effect from the 4th September 1998 has been referred to the Hon'ble Labour Court, Bhubaneswar by order, dated the 4th February 2000 of the Labour & Employment Department, Government of Orissa and the Schedule of reference as below :

“ Whether the termination of service of Shri Sujit Kumar Nayak, Debt Collector-cum-Accountant with effect from the 4th September 1998 by way refusal of employment by the management of M/s Reliance Telecom Ltd., Puri Branch, Puri is legal and/or justified ? If not, what relief Shri Nayak is entitled to ?”

2. That the Hon'ble Labour Court has initiated a proceeding in Industrial Disputes Case No. 21 of 2000 which is in progress and award thereon is yet to be passed.
3. That the dispute between the management of first party and the workman second party with effect from the 4th September 1998 has in the meantime been amicably resolved between the management of first party and the second party workman as follows :

Vide D.D. No. 020858 and 020859, dated the 7th September 2007 of Rs. 1,5000 each drawn on C.B.I., Nayachowk, Cuttack and D.D. No. 750279, dated the 11th September 2007 of Rs. 40,000 drawn on S.B.I., H.O.D., Bhubaneswar and D.D. No. 979730, dated the 7th September 2007 of Rs. 30,000 drawn on S.B.I., PBB, Badambadi, Cuttack in favour of Sujit Kumar Nayak payable at Puri.

- (a) The first party management paid a sum of Rs. 1,00,000 (Rupees one lakh) only to the second party workman on the 3rd October 2007 and the second party workman with its free volition accepted the said sum of Rs. 1,00,000 (Rupees one lakh) only from the first party management towards full and final settlement of the dispute under reference before the Hon'ble Labour Court, Bhubaneswar.

(Enclosed xerox copies of Demand Drafts).

- (b) That the first party management and the second party workman have agreed to file this mutual settlement between them before the Presiding Officer, Labour Court, Bhubaneswar towards full and final settlement of disputes between them now pending in Industrial Disputes Case No. 21 of 2000.
- (c) The first party management and the second party workman have agreed that the Hon'ble Labour Court, Bhubaneswar shall pass a "no dispute award" in answer to the reference now pending before the Hon'ble Court.
- (d) That the first party management and the second party workman have agreed not to contest each other and freely express not to press their respective claims before the Hon'ble Labour Court, Bhubaneswar in Industrial Disputes Case No. 21 of 2000 and not to raise any dispute or claim against each other in any forum, Court or before any authority at any point of time.
- (e) That the first party management and the second party workman jointly file this settlement before the Labour Court, Bhubaneswar in Industrial Disputes Case No. 21 of 2000.

4. That the first party management and the second party workman in pursuance to the above settlement between them jointly file this memorandum of settlement of claim between the parties before the Hon'ble Labour Court and pray that the Hon'ble Court shall be pleased to pass a no dispute between the parties in terms of the aforesaid settlement between them which is filed today.

SUJIT KUMAR NAYAK

DT. 1-10-2007

By the Second Party Workman

By the first party management
For Reliance Telecom Limited

SANJIB SWAIN

DT. 1-10-2007

Authorised Signatory
Bhubaneswar

WITNESSES :

1. PRABHANJAN MOHAPATRA
Dt. 1-10-2007.
S/o Purna Chandra Mohapatra
At/P.O. Machhipada
Dist. Nayagarh.
2. PRASANTA KU. MOHANTY
S/o Bimal Kumar Mohanty
Plot No. 72/C, Jayadurganagar
Bomikhal, Bhubaneswar.

PAYABLE AT PAR AT ALL LOCAL BRANCHES

जस्ता कोड नं. ALPHA CODE NO. N A Y A C H

नया चौक, कटक - 753 012 (ओरिसा)
ISSUING BRANCH NAYA CHOWK, CUTTACK - 753 012 (Orissa)

दिनांक / Date 07/09/2007

मांगे जानेपर ON DEMAND PAY SUJIT KUMAR NAYAK

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DATE 11/09/2007

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 (हस्ताक्षर नमूना क्र. / S.S. NO.)
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 M. C. MALLICK
 M-5240

DATE 07/09/2007

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